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*Katrin Kauffmann*  
Katrin Kauffmann

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Tetsuo NISHIMOTO

Serial No.: 10/013,096

Filing Date: December 07, 2001For: ELECTRONIC TOY AND CONTROL  
METHOD THEREFOR

Examiner: Not Assigned

Group Art Unit: 3712

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## PETITION FOR CORRECTION OF FILING DATE

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with 37 C.F.R. § 1.10(d), Applicant hereby petitions the Commissioner to correct an incorrect filing date that was accorded by the U.S. Patent and Trademark Office ("USPTO") on the Filing Receipt.

The Filing Receipt from the USPTO dated January 9, 2002, reflects a filing date of December 6, 2001, which corresponds to the entry in the "date in" section of the Express Mail mailing label (EL824966934US) in accordance with 37 C.F.R. § 1.10(a). As shown on the cash register receipt of the U.S. Postal Service ("USPS"), however, the correspondence submitted to the USPTO was actually deposited with the USPS on December 7, 2001.

Under 37 C.F.R. § 1.10(d), an applicant may petition to the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been actually deposited with the USPS by showing that the "date in" on the Express Mail mailing label was entered incorrectly by the USPS. The foregoing facts and evidence are deemed sufficient to satisfy the required showing.

Enclosed for your convenience are copies of the following:

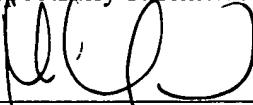
1. Official Filing Receipt showing the filing date correction in red;
2. Express Mail Label EL824966934US listing the wrong "date in" of 12/06/2001;
3. USPS cash register receipt for Express Mail Label No. EL824966934US dated December 7, 2001;
4. Utility Patent Application Transmittal bearing the Certificate of Mailing by "Express Mail" (Label No. EL824966934US) dated December 7, 2001; and
5. Postcard receipt dated December 7, 2001.

The issuance of a Corrected Filing Receipt stating the correct filing date of 12/07/2001 is respectfully requested.

Applicant believes that no fees are due in connection with the filing of this paper. However, in the unlikely event that the transmittal letter is separated from this request and the Patent Office determines that a fee is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other additional fees due in connection with the filing of this document to **Deposit Account No. 03-1952**. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: August 23, 2002

By:

Respectfully submitted,  
  
\_\_\_\_\_  
Mehran Arjomand  
Registration No. 48,231

Morrison & Foerster LLP  
555 West Fifth Street  
Suite 3500  
Los Angeles, California 90013-1024  
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COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/013,096	12/06/2001 12/07/2001	3712	740	393032029100	5	14	2

CONFIRMATION NO. 9570

FILING RECEIPT



\*OC00000007285593\*

David L. Fehrman  
Morrison & Foerster LLP  
35th Floor  
555 W. 5th Street  
Los Angeles, CA 90013

Date Mailed: 01/09/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Tetsuo Nishimoto, Hamamatsu-shi, JAPAN;

**Assignment For Published Patent Application**

Yamaha Corporation;

**Domestic Priority data as claimed by applicant**

**Foreign Applications**

JAPAN 2000-381758 12/15/2000

**If Required, Foreign Filing License Granted 01/09/2002**

**Projected Publication Date: 06/20/2002**

**Non-Publication Request: No**

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**Early Publication Request: No**

**SEP 09 2002**

**Title**

Electronic toy and control method therefor

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Preliminary Class

446

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCEUTILITY  
PATENT APPLICATION  
TRANSMITTAL

SEP 03 2002

First Inventor

Attorney Docket No.

393032029100

ATTORNEY &amp; TRADEMARK FEE

Tetsuo NISHIMOTO

ELECTRONIC TOY AND CONTROL METHOD THEREFOR

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Express Mail Label No.

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## CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EL824966934US

Date of Deposit: December 7, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Box Patent Application, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202.

Marco Jimenez

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g. PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)

2.  Applicant claims small entity status.  
See 37 CFR 1.27.

3.  Specification [Total Pages 39]  
(preferred arrangement set forth below)  
 - Descriptive title of the Invention  
 - Cross Reference to Related Applications  
 - Statement Regarding Fed sponsored R & D  
 - Reference to sequence listing, a table, or a computer program listing appendix  
 - Background of the Invention  
 - Brief Summary of the Invention  
 - Brief Description of the Drawings (if filed)  
 - Detailed Description  
 - Claim(s)  
 - Abstract of the Disclosure

4.  Drawing(s) (35 USC 113) [Total Sheets 5]

5. Oath or Declaration [Total Pages 3]

a.  Newly executed (original or copy)  
 b.  Copy from a prior application (37 CFR 1.63(d))  
 (for continuation/divisional with Box 18 completed)  
 i.  **DELETION OF INVENTOR(S)**  
 Signed statement attached deleting Inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)

6.  Application Data Sheet. See 37 CFR 1.76

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation     Divisional     Continuation-in-part (CIP)    of prior application No: \*

Prior application information:

Examiner \*

Group / Art Unit: \*

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. This incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

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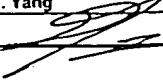
  
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Name	David L. Fehrman		
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City	Los Angeles	State	CA
Country	US	Telephone	(213) 892-5601
Name (Print/Type)	David T. Yang	Registration No. (Attorney/Agent)	44,415
Signature			
Date December 7, 2001			



Attorney Docket: 39303-20291.00 Date: December 7, 2001  
Inventor(s): Tetsuo NISHIMOTO USSN: Not yet assigned  
Title: ELECTRONIC TOY AND CONTROL METHOD THEREFOR

Due Date: December 15, 2001

**Enclosed are the following:**

1. Utility Patent Application Transmittal with Express Mail Certificate (No. EL824966934US);
2. Fee Transmittal for FY 2001 (w/duplicate copy), & Authorization to charge \$780.00 to Deposit Account (filing fees \$740 & assignment recordal fee \$40);
3. Initial Information Data Sheet (2 pp);
4. Specification (39 pp), includes 14 claims and 1-page Abstract
5. Formal drawings (5 sheets);
6. executed Combined Declaration and Power of Attorney (3 pp);
7. Assignment Cover sheet, and executed Assignment document;
8. Transmittal letter, and one (1) Priority Document;
9. Information Disclosure Statement with Form PTO 1449 and two (2) references;
10. THIS RETURN RECEIPT POSTCARD.

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